

## **REMARKS**

Reconsideration of the application is respectfully requested. In this Response, Claims 12, 14, 15, 17-20, 34, 36, 37, 39-42, 44, 46, 47, 49-53, 55, 56 and 58-60 are amended. Claims 13, 35, 45 and 54 are cancelled. Claims 1-11 and 22-33 were previously cancelled.

The following discussion addresses the issues in the order in which they have been raised in the Office Action.

### **I. Claims Rejected Under 35 U.S.C. §112**

Claims 45, 47, 54 and 56 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Claims 45 and 54 are cancelled, and Claims 47 and 56 have been amended to remove “said ATM PNNI network.” Withdrawal of the §112 rejection is respectfully requested.

### **II. Claims Rejected Under 35 U.S.C. §103**

1. Claims 12-20, 34-42 and 44-60 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,956,821 issued to Szviatovszki et al. (“Szviatovszki”) in view of U.S. Patent No. 7,092,356 issued to Rabie et al. (“Rabie”) and further in view of U.S. Patent No. 7,016,975 issued to Dolgonow et al. (“Dolgonow”).

To establish a *prima facie* case of obviousness, the relied upon references must teach or suggest every limitation of the claim such that the invention as a whole would have been obvious at the time the invention was made to one skilled in the art. Claim 12, as amended, recites the elements of “said PTSE information including a first field bundled with a System Capabilities Information Group (SIG) field, the first field describing a bit rate service category of a link in the network, the SIG field describing bandwidth allocations made to specific priority levels of the bit rate service category of the link” (emphasis added).

Applicants submit that the combination of Szviatovszki with Rabie and Dolgonow is inapposite. Szviatovszki discloses the selection of a path through the Internet for a given request

to support a connection. Rabie and Dolgonow are relied on for disclosing an ATM PNNI network and PTSE information. The Examiner takes the position that it would have been obvious to “include that the network in Szviatovszki is an ATM PNNI network” (Final Office Action at page 4). However, the only embodiment described in Szviatovszki is a Multi-Protocol Label Switching (MPLS) method through the Internet. There is no indication in any of the cited references that a method used on the Internet can be applied to an ATM PNNI network using the recited PTSE information. As the name “PNNI (**P**ri**v**ate Network Node Interface)” indicates, the ATM PNNI network is different from a public network, such as the Internet. Thus, a method for the Internet, as disclosed by Szviatovszki, does not enable its use on an ATM PNNI network. Therefore, the disclosure of Szviatovszki cannot be combined with those of Rabie and Dolgonow.

Further, the cited references do not teach or suggest the claim as amended. The Examiner indicates that the path selection of Szviatovszki takes into account maximum and available bandwidths at each priority level. Rabie and Dolgonow are relied on for disclosing an ATM PNNI network and PTSE information. However, the cited references do not teach or suggest PTSE information that bundles a first field describing a bit rate service category of a link with a SIG field describing bandwidth allocations made to specific priority levels of the bit rate service category of the link, and transmitting that bundled information from one node to another.

Szviatovszki does not mention transmission of a bit rate service category of a link. Rabie also does not disclose that a bit rate service category is transmitted with the bandwidth allocations for specific priority levels of the bit rate service category. Rather, Rabie discloses that different bandwidths are allocated to different service categories, without mentioning how information about the allocated bandwidths are transmitted to the nodes. Further, Dolgonow also does not disclose that a bit rate service category is transmitted with the bandwidth allocations for specific priority levels of the bit rate service category. Rather, Dolgonow discloses that information in PTSE packets includes available bandwidth, QoS and cost. None of the cited references teach or suggest the recited PTSE information that bundles a bit rate service category of a link with bandwidth allocations made to specific priority levels of the bit rate service category of the link. Thus, independent Claim 12, as amended, is non-obvious over the cited references.

Claims 13-20 depend from Claim 12 and incorporate the limitations thereof. Thus, for at least the reasons mentioned above in regard to Claim 12, these claims are non-obvious over the cited references.

Analogous discussions apply to independent Claims 34, 44 and 53, as well as their respective dependent claims, namely, Claims 35-42, 45-52 and 54-60. Accordingly, reconsideration and withdrawal of the §103 rejection of Claims 12-20, 34-42 and 44-60 is requested.

2. Claims 21, 22 and 43 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Szviatovszki in view of Rabie in view of Dolgonow and in further view of U.S. Patent No. 6,603,764 issued to Epley (“Epley”).

Claims 21, 22 and 43 depend from Claims 12 and 34, respectively, and incorporate the limitations thereof. Thus, or at least the reasons mentioned above in regard to Claims 12 and 34, these claims are non-obvious over Szviatovszki in view of Rabie and Dolgonow.

Epley does not cure the deficiency. Epley is relied on for disclosing the use of a SETUP message in the establishment of a path. However, Epley does not disclose that a bit rate service category is transmitted with the bandwidth allocations for specific priority levels of the bit rate service category. Thus, independent Claims 12 and 34, as well as their respectively dependent Claims 21, 22 and 43, are non-obvious over the cited references. Accordingly, reconsideration and withdrawal of the §103 rejection of Claims 21, 22 and 43 is requested.

### CONCLUSION

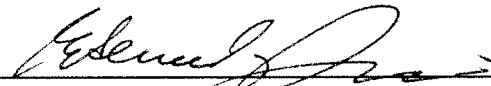
In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record and are in condition for allowance and such action is earnestly solicited at the earliest possible date.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

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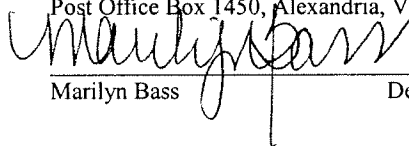
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Marilyn Bass December 4, 2007